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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Customer No. 23643

Group: 1651

Confirmation No.: 3917

Application No.: 10/535,357

Invention: **Composition and Method for
Inhibition of Microorganisms**

Inventor: Michael P. Doyle

Filed: May 18, 2005

Attorney Docket: 31725-77991

Examiner: Deborah K. Ware

ELECTRONICALLY FILED:
August 26, 2009

Assertion Of Entitlement To Small Entity Status
And Request For Refund

Mail Stop 16
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The Issue Fee for the above-identified application was paid on July 10, 2009 as a large entity and the patent issued on August 18, 2009. The owners of the captioned application

have now advised us that they are entitled to small entity status. The large entity designation is therefore incorrect. Pursuant to 37 C.F.R. § 1.27(c), Applicants hereby submit this written assertion of entitlement to small entity status with respect to the above-identified application.

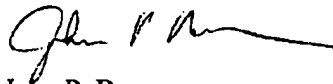
09/02/2009 BPOWELL 00000001 100435 10535357
01 FC:2501 753.00 DR

Adjustment Date: 09/02/2009 BPOWELL
07/10/2009 INTEFSW 00006100 100435 10535357
01 FC:1501 1510.00 CR

The issue fee transmittal was filed electronically and payment of the issue fee and publication fee totaling \$1,810 (\$1,510 issue fee, \$300 publication fee) was made at that time, by a charge to Deposit Account No. 10-0435. Applicants hereby respectfully request a refund of \$755.00, which is, pursuant to 37 C.F.R. § 1.26, § 1.27(c), and § 1.28(a), the portion of the transmitted fees in excess of that required for a small entity.

This request for refund is being made within the three months of the payment of the above-identified fees as required by 37 C.F.R. § 1.28(a). This refund can be made by check to Applicants' attorney, Barnes & Thornburg LLP, or by crediting the amount to be refunded to Deposit Account No. 10-0435 with reference to our matter number 31725-77991. The Director is hereby authorized to charge any additional fees which may be required, or to credit any other overpayment, to our Deposit Account No. 10-0435.

Respectfully submitted,



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INDS02 JBREEN 1065110v1